

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

April 5, 2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR. 05-00261HG
CASE NAME: U.S.A. vs. (01) JAMES TROIANO
ATTYS FOR PLA: Wes R. Porter
Clare E. Connors
Brian Johnson, Case Agent, ATF
Charles Pang, ATF
ATTYS FOR DEFT: Todd W. Eddins
INTERPRETER:

JUDGE: Helen Gillmor

REPORTER: Sharon Ross

DATE: April 5, 2006

TIME: 9:00 - 4:15

COURT ACTION: FURTHER JURY TRIAL - DAY 2 -

The defendant is present in custody.

Hearing held out of the presence of the jury regarding Objections to the Jury Instructions. It is ordered that the objections, if any, be filed by noon on April 7, 2006.

Discussion held out of presence of jury regarding defendant's concern that his counsel did not exercise a peremptory challenge on Juror #5, Reeve Williams. Defendant objected to Juror # 5 being on the jury. The objection is **OVERRULED**.

The defendant informed the Court that he will absent himself from the courtroom during the trial.

The Defense Counsel's Oral Motion for Mental Examination of the Defendant is **DENIED**.

The Court queried the defendant whether he wanted a television placed in the cell block to view the trial. The defendant declined. The Court informed the defendant to

notify the marshal if had a change of mind and would like to be present at his trial. The Court also informed counsel to periodically check with the defendant whether he had a change of mind and wanted to be present in his trial. The defendant was escorted from the courtroom.

Discussion held regarding the government's revised witness list.

The jury is present.

The defendant is not present.

The jury is preliminarily instructed.

The government's opening statement. Defendant's opening statement.

Milton Agader CST.

Hearing held out of the presence of the jury. The defendant is not present. Further arguments made with regard to the government's concern about defendant's potential claim for ineffective assistance of counsel. The Court's findings regarding the defendant voluntarily absenting himself from the trial were placed on the record.

The jury is present.

Further examination of Milton Agader resumed.

Wendell Toki CST.

Exhibits admitted in evidence: 7 thru 21, 23, 46C1, 46C2, 46C8, 46C22, 46C29, 46C31, 46C33 and 46C34.

The jury is excused and ordered to return on April 10, 2006 @ 9:45 a.m.

Defendant Troiano is present in the courtroom. The defendant addressed the Court regarding his concerns about Juror #5, Reeve Williams. The Court queried the defendant whether he wishes to be present in the courtroom for his trial on Monday, April 10, 2006. The defendant declined.

Further trial is continued to April 10, 2006 @ 10:00 a.m.

Submitted by: David H. Hisashima, Courtroom Manager